IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.173 OF 2004

The State of Maharashtra ...Appellant
Vs.
Sharad Dattatraya More ...Respondent

Shri S.S. Pednekar, A.P.P. for the Appellant.

CORAM : R.S.MOHITE, J.
DATE : JANUARY 16, 2006.

P.C.:

1. This is an Appeal filed by the State impugning the Judgment and Order passed by the Chief Judicial Magistrate, Pune on 25.07.2003, acquitting the accused of the offence under section 7(iv) read with Government Notification dated 17.02.2000 and punishable under section 16 of Prevention of Food Adulteration Act, 1954. On perusal of the impugned Judgment and Order it is found that the same has been passed by the cogent and acceptable reasons. The Trial Court has held that the prosecution did not prove the distance between the shop of the accused and the fire brigade centre. The distance of 50 mtrs. was not mentioned in the panchnama. The panch witnesses were not examined. No tests were conducted to find out if the sample contained tobacco. The person who actually analysed the sample was not examined. The presence of tobacco in sample was not mentioned in the report Exhibit 27. In this view of the matter, leave refused and consequently Appeal to stand dismissed.

JUDGE